SEVENTH DAY.—*19th June 1927.*

The Assembly met in the Jagan Mohan Palace Pavilion at 8 A.M.

Government business was taken up, and the first item to be considered was the following memorandum, copies of which had been duly circulated to the members :—

Memorandum on the relief to be given to Inamdars in connection with the abolition of Mohatarfa.

The Village Panchayat Scheme placed before the Representative Assembly in October 1924, contemplated the abolition of the mohatarfa taxes in the State as soon as the Village Panchayat Regulation came into force and Panchayats were constituted thereunder with power to levy taxes on houses, vacant sites, etc. The Regulation became operative from 1st February 1927 according to Government Notification No. L. 2490—L.B. 26-26-39, dated 5th October 1926. But as it was considered impossible for the Village Panchayats within the time available to be sufficiently established to undertake the assessment and collection of taxes under Section 36 of the Regulation, it was directed in Government Order No. L. 2500-14—L.B. 26-26-40, dated 5th October 1926, that mohatarfa might continue to be collected by jamabandi officers and credited to the Panchayats concerned. This arrangement applied of course to sircar villages and inam villages where the right to levy mohatarfa was vested in Government. As regards inam villages where the proceeds of mohatarfa were enjoyed by inamdars, it was held that the public spirit of the inamdars and their desire for the sanitary improvement of their villages might in a large number of cases induce the inamdars to follow the example of Government and to give up voluntarily the collection of mohatarfa.

Enquiries were accordingly made to ascertain the views of the inamdars ; several of them have readily agreed to give up collecting mohatarfa. A list of villages the inamdars of which have so agreed is appended. Government have separately expressed to them their appreciation

of the public spirit shown by them in this matter. A large body of inamdars, however, have shown unwillingness to adopt this course and have urged their objections directly and through the Inamdars' Association. Representations have also been received from the holders of Sringeri and Yelandur Jahgirs that they cannot afford to forego their income from mohatarfa which in the case of Yelandur Jahgir is said to amount to about Rs. 8,000. Attention has also been drawn to the fact that religious and charitable institutions which are dependent on this source of income for their maintenance are likely to suffer.

The anticipation that the inamdars might voluntarily relinquish the levy of mohatarfa not having materialised adequately, it becomes necessary to deal with the question on other lines.

Four alternatives are possible.

The first alternative would be to abolish mohatarfa in inam villages and to allow by legislation, inamdars who so desire it, to collect mohatarfa as heretofore in their villages and for the Panchayats at the same time to collect the taxes prescribed by the Panchayat Regulation. But this will expose the inhabitants of such inam villages to the burden of a double levy on identical objects of incidence and may not be defensible on grounds of financial equity.

Secondly, no legislation need be undertaken so that the inamdars who will be affected by the abolition of mohatarfa and who have not agreed to give up collecting it would receive no compensation. In adopting this course the State will be well within its rights and the inamdars concerned can have no legal cause for complaint. It is a long established principle that the Government possess "the fullest power to abolish existing items of taxation throughout the State without any liability to compensate inamdars for loss of revenue which may have been in their enjoyment previously."

Thirdly, although these inamdars may not be entitled to compensation as a matter of legal right, it might be thought desirable and expedient that Government may give relief to them for the loss in some measure as a matter of grace. But it is impossible for Government to meet this expenditure from the general revenues, upon which the demands are heavy and increasing in several directions. Government have besides already undertaken to provide grants for rural reconstruction and for the supervision of Village Panchayats ; and money grants by Government to

inamdars might reduce to some extent the provision that it is possible to make for rural reconstruction from year to year.

The only remaining alternative will be for the Panchayats concerned to assign a share of the income derived from the new taxes to the inamdars of such villages, that is to those who are unable to bear the loss of mohatarfa. Payment of any amount to inamdars out of the income of Panchayats requires an amendment of the Village Panchayat Regulation. The amount may perhaps be fixed at not less than a moiety of the present income calculated on five years' average ; and a limitation of time, either the lifetime of the present inamdars or a fixed number of years might also be expedient.

This memorandum is published with the object of eliciting the views of the Representative Assembly on the question. If the Assembly agrees to any of the alternatives requiring amendment of the Village Panchayat Regulation an amending Bill will be placed before the Legislative Council.

List of inam villages, the inamdars of which have agreed to give up collection of mohatarfa.

District	Taluk	Name of Village
Mysore ..	Mysore ..	1 Arsikere
		2 Udboor
		3 Duddagere
	Heggaddevankote ..	4 Chakkur
		5 Maliyur
		6 Sankahalli
		7 Bidarahalli
		8 Uymballi
	Chamarajnagar ..	9 Bagali
		10 Jannur
		11 Demahalli
		12 Linganapura
		13 Kannagala
	Nanjangud ..	14 Hoskote
	Nagamangala ..	15 Jodi Karadahalli
		16 Jodi Alpahalli
		17 Jodi Kanagonahalli
		18 Bommanahalli
		19 Nalgundi
		20 Mutsandra
		21 Ganganahalli
		22 Honnenahalli
		23 Hosur
	Krishnarajpete ..	24 Varahanath Kallahalli
		25 Bukahalli
		26 Kattehalli
		27 Yagachaguppe
		28 Gangigere
		29 Ambigrahalli
		30 Pura
		31 Sankahalli
		32 Sarangi
	Mandya ..	33 Gowdagere
		34 Kodahalli
		35 Abdulvadi
		36 Hallikere
		37 Byadarahalli
		38 Hanakere
		39 Uppinakere
	T.-Narsipur ..	40 Kargalli
		41 Chimli
	Hunsur ..	42 Vaderahosahalli
		43 Hitthahebbagalu
		44 Sanyasapura
		45 Alanahalli
	Yedatore ..	46 Arakere
		47 Kalenahalli
		48 Gudaganahalli

List of inam villages—*concld.*

District	Taluk	Name of Village
Bangalore ..	Bangalore ..	1 Bylakere
		2 Kodahalli
		3 Kammakondahalli
	Devanhalli ..	4 Jodi Panditapura
		5 Kayamgutta Chinna Kempanahalli
		6 Jodi Kamenahalli
		7 Jodi Byappanahalli
		8 Jodi Aradesahalli
	Hoskote ..	9 Jodi Hunasehalli
		10 Chicka Aralakere
		11 Kaggalihosahalli
		12 Vabasandra
		13 Banahalli
		14 Siddapura
		15 Kurubarahalli
	Dodballapur ..	16 Bhadrapura
	Channapatna ..	17 Abbur
		18 Sogala
		19 Garkahalli
Kadur ..	Mudgere ..	1 Kannapura
		2 Gonibede Agrahar
	Chikmagalur ..	3 Karehalli
		4 Chikkalasapur
		5 Dattatreyapeetah
		6 Suragappal
	Tarikere ..	7 Kodihalli
		8 Bokikere
		9 Bankankatte
		10 Govindapura

MR. N. SURAPPA who opened the discussions said that the only point for consideration was whether the Government had the power to abolish mohatarfa in inam villages when the right of collecting it had been specifically assigned to the inamdar under the *sannad*. Out of the inam villages in the list appended a large number were under the management of Government and others did not enjoy the right which they had agreed to give up. A number of inamdars maintained themselves from the mohatarfa income and the sudden abolition of it would prejudicially affect them. It was moreover a civil right which the civil court alone could decide whether the right might be taken away by Government and the Representative Assembly's decision could not bind the inamdars.

In the next place, as Government wanted to take power to levy some other tax in lieu of mohatarfa it was a case of change of name and not a case of abolition of a tax which Government deem they could order and it also resulted in no relief so far as the raiyats were concerned.

In these circumstances, he suggested that the question of forming Panchayats in inam villages be taken up for consideration after the scheme had been worked in Government villages for some time.

MR. B. SRINIVASIENGAR of Anekal gave expression to the same ideas, and added that the levy of mohatarfa was a matter between the inamdar and the tenant, and not one to be interfered with by the Government. Seven thousand Panchayats had been constituted already, and for all of them together Government provided only a sum of Rs. 50,000 which was quite inadequate and Government therefore empowered the Panchayats to levy taxes of their own to supplement that grant. When this burden was thrown even on Government villages, he did not see why the Government should interfere with inam villages. After all, what the inamdars urged was not that they should be given absolute control over it but that they should be allowed to administer the tax subject to necessary control by Government. The inamdars were responsible for the well-being of their tenants and should be left free to utilize the mohatarfa income from their villages in the best interests of those tenants.

THE THIRD MEMBER OF COUNCIL observed that there were a good many inam villages which were held by a number of *vrittidars* who did not live within the inam villages and did not interest themselves about the well-being of the tenants,

MR. SRINIVASIENGAR replied that in such cases the *vrittidars* should be made to agree to the appointment of a manager by the Government. Government interference might result in straining the relationship between the inamdar and the tenant. Even if any particular line of action in respect of inam villages was decided upon, everything should be done through the inamdars and not without their concurrence and co-operation. If consulted, some of the more prosperous inamdars would contribute even larger sums than the mohatarfa income for the improvement of the villages concerned. But if Government was not inclined to consider this aspect of the case, he would rather suggest the value of the inam villages being capitalized and the properties purchased from the inamdars once for all, instead of subjecting them to restrictions which were not contemplated at the time the grants were made.

THE FIRST MEMBER OF COUNCIL invited attention to Section 45 of the Land Revenue Regulation under which all or any of the powers of an Amildar could be conferred on the holder of any alienated village, provided he had given evidence of an anxiety to improve the condition of the inam villages. If the member gave Government an idea as to which of the powers should be conferred in such cases under the section referred to, Government would be glad to consider the matter.

MR. RAZVI, who spoke next, observed that the inamdars of the present day reminded him of the Pallegars of old and it was a wonder to him how such aristocrats could go on as they liked in the modern democratic days. He was not able to see the point of those who opposed the proposal before the House, except perhaps that they were anxious to keep the grievances of their tenants from reaching the ears of the Government. The inamdars he thought maintained a kind of despotism over the tenants, which in other countries led to Bolschevism and similar movements. Fortunately such a position would not arise in Mysore even if a few interested persons wanted to bring it about, but it was graceful for the inamdars to recognize that their tenants were also human beings and had a right to live in freedom and happiness. He appealed to all lovers of liberty to see that while they themselves sat in the Representative Assembly and other big councils, the poor raiyat in the far-off place was at least given the opportunity to sit in the less exalted pedestal of the Village Panchayats.

MR. LAKSHMINARANAPPA of Heggadadevankote

observed that the income from mohatarfa in most cases was not more than a few rupees and there was no question of sacrifice if the inamdars were made to forego that income. They were giving trouble to the raiyats in various ways, and obtaining all kinds of decrees in civil courts and dispossessing the tenants of their lands. In other cases where there was not much to complain against the inamdars, they rarely visited the villages, except once in a year or two for the purpose of collecting whatever was possible, and returned to the cities where they had made permanent abode. If Panchayats were constituted in such villages, the inamdar would naturally be the Chairman, and there would be a certainty of his visiting the place constantly, so that the tenants would have opportunities of getting any small grievances redressed.

The speaker was firmly of the opinion that mohatarfa deserved to be abolished. He was also not in favour of a double levy as contemplated in one of the four alternative proposals placed before the Assembly.

MR. LAKSHMINARAYANA REDDI observed that the mohatarfa levied at present in inam villages was nominal, while it would be increased if Government stepped in and that the result would be disastrous to the raiyats. If the village became *bechirak* in that way, it was the inamdar that suffered most. He therefore thought that the present system should continue and Government should not interfere with matters pertaining to inam villages.

MR. B. NARASINGA RAO observed that it would be dangerous, from the point of view of health, sanitation and other amenities, to leave the inam village without a Panchayat in the midst of several Panchayats working satisfactorily all around; and it was not possible for any Panchayat to do good work unless mohatarfa or some other source of income is utilized. It could not be expected that all inamdars would try to provide necessary facilities to their tenants, without constituting a Panchayat. But such of them as exhibited a genuine desire in that direction might be given all the powers contemplated in the Government Order on the subject The constitution of Panchayats was necessitated by the fact that most of the original inams had changed hands, and the present holders were not naturally anxious to safeguard the interests of the tenants. As regards the abolition of mohatarfa which had been specifically made over under the *sannads*, he thought some compensation was called for.

MR. Y. SRINIVASIENGAR was of opinion that the Panchayat system should be introduced in the Jahgirs also.

MR. C. NARASIMHAIYA also gave expression to the same views as expressed by Mr. Narasinga Rao. He did not agree, however, that the discretion to spend mohatarfa should be taken away from all the inamdars. Personally he considered that the fourth alternative proposal was the best to adopt in the interests of all concerned.

MR. P. SITARAMIAH favoured the second alternative.

MR. K. T. BHASHYAM IYENGAR suggested that everything should be done with the co-operation of and through the inamdars.

The alternative proposals mentioned in the statement were put to vote, one by one, and all lost by a large majority.

II. Note on the System of Licensing the Rearing of Goats.

With a view to improve local finances, the Local Self-Government Conference held in April 1923, recommended the levy of a tax on goats and pigs. The idea of taxation on pigs was given up by Government but the question of the levy of tax on goats and sheep was considered at the Dasara Session of the Representative Assembly of 1924. The majority of the members were not in favour of the additional taxation and the question was put to vote and lost.

The question of imposing certain restrictions on goat rearing was brought up again for consideration at the Dasara Session of the Representative Assembly of 1926. The Dewan-President promised to see what could be done in the matter and the opinions of the Conservator of Forests and the Revenue Commissioner were called for.

The Conservator of Forests proposed the increase of the pound fee to Re. 1 per head of goat and recommended that damage to avenue trees be severely dealt with by penalising communal rights, if any, and prosecuting persons damaging the trees. The Revenue Commissioner proposed the issue of licenses for goat rearing and raising the pound fee on goat from one anna to two annas, half the amount being given as compensation to the persons on whose lands the goats were allowed to trespass.

In connection with the last amendment of the Municipal Regulation, provision was made in Section 137A, for a person rearing or keeping more than 20 goats in municipal

areas taking out a license therefor. It was however amended in select committee so as to make it applicable only to city municipal areas wherein licenses were required to be taken for keeping more than 10 goats. This has been passed as law.

As regards raising the pound fee to two annas, though the fee leviable under Section 12 of the Cattle Trespass Act on a goat impounded is one anna, Government may, under the proviso to that section, order the imposition or levy of double the fee in any area when there is an application to this effect from a local body on account of habitual trespass of such animals and damage to crops. If levy of double the fee is to be made general, the Cattle Trespass Act will have to be amended.

There is no provision either in the District Boards' Regulation or in the Village Panchayat Regulation requiring a license to be taken out for goat rearing.

The question whether there is need for amending the Village Panchayat Regulation and the Municipal Regulation so as to provide for licenses for keeping goats and amending the Cattle Trespass Act so as to provide for levying double fines for goats is placed before the Assembly for eliciting its opinion.

MR. G. K. BALIJA was not in favour of the proposed measure for raising the pound fee or for the issue of licenses for goat rearing as it would work as a hardship on the people who were mostly poor.

MR. G. B. RAGHAVENDRACHAR observed that no manner of restriction should be imposed on the rearing of goats but on the other hand every encouragement should be afforded to this industry. Goat trade was a paying concern and served as a good subsidiary occupation to the villagers. He added that in these days of unemployment even the Brahmin community could take it up by establishing farms on the model of the Rotterdam farms.

MR. VENKATASAMI GOWDA admitted the need for encouraging the rearing of goats so that there might be no paucity of manure. At the same time, he said that it was necessary to provide safeguards against their trespassing on private lands and damaging the crops as well as against their spoiling the avenue trees and *Aswathakattes*. Those who were rearing the goats had absolutely no consideration for any trees and he therefore strongly urged the necessity to make provision for licensing goat rearing and for enhancing the penalty fee in the case of trespasses.

Some other members were opposed to the levy on considerations of economy.

The question was then put to vote and lost, a vast majority voting against.

III. Bill to Amend the Mysore Court Fees Regulation

In paras 384 and 385 of their report, the Laws' Delays' Committee point out that the present practice is for the whole of the court fees being paid at the time of the institution of the suit or appeal and if the suit or appeal is disposed of without contest by agreement of the parties, the plaintiff or appellant is entitled to a refund of half the amount of fees paid on the plaint or memorandum of appeal under Section 17A of the Mysore Civil Courts Regulation. Having regard to representations made in the Representative Assembly for the payment of court fees in instalments and to the observations of the Indian Taxation Enquiry Committee, the committee recommended that the plaintiff should be called upon to pay at the time of the institution of the suit only half the court fees payable under the Court Fees Regulation and if the suit passes on to the stage of contest, the plaintiff may be called upon to produce the balance of court fees within a fixed time and the suit proceeded with further.

It is proposed to give effect to this recommendation.

Under Article 12, Schedule I, of the Court Fees Regulation, when the value of a debt or security for which succession certificate is required exceeds Rs. 5,000, it is possible by splitting up the claim to evade payment of a higher fee. In order to avoid this, it is proposed to amend Article 12.

MESSRS. N. SURAPPA, RAMAKRISHNAIYA and B. NARASINGA RAO commended the measure to the Assembly as a very desirable reform.

MESSRS. G. PARAMASIVIAH and others, on the other hand, opposed the measure on the ground that part payment of the court fee would tend to prolong the disposal of suits as lawyers would be forced to take time to collect from their client the balance of the court fees at the time of contesting the suit.

THE DEWAN explained that this Bill was the outcome of persistent representations made in the Assembly for years together and that it was one of the many reforms recommended by the Laws' Delays' Committee.

The proposal was then put to vote and carried, 107 voting for and 43 against.

IV. Bill to Amend the Mysore Limitation Regulation.

The Laws' Delays' Committee in Chapter XI of their report and particularly in paras 238 to 248 and 218 have recommended the amendment of Sections 14, 19, 20 and Articles 85, 92, 93, 95, 96, 128, 129, 141, 166 and 182 of the Limitation Regulation.

2. In Chapter 41 of their report the Civil Justice Committee of British India made similar recommendations for amendments in the Indian Limitation Act, 1908. The Local Government and High Courts in British India were consulted and the concensus of opinion was in favour of the following recommendations:—

(1) that the proviso to Sub-Section (1) of Section 20 should be amended so as to make the payment of interest also subject to the conditions that the fact of payment should appear in the handwriting of the person making the same;

(2) that the limited owner under the Hindu Law or the Karta or the Manager of a Joint Hindu Family should be enabled to make acknowledgments and payments under Sections 19 and 20 ; and

(3) that Article 166 should be amended so as to make it clear that it applies to a petition by a judgment-debtor under Section 47 of the Code of Civil Procedure, 1908. The Government of India accordingly introduced their Bill which has since been passed into law as Act I of 1927 amending Sections 20 and 21 and Article 166. Article 182 has also been amended by Act IX of 1927. Similar action is proposed to be taken to amend the Mysore Limitation Regulation.

3. In paragraph 218 of their report, the committee recommend that Section 48 of the Code of Civil Procedure, 1911, and Article 182 of the First Schedule to the Limitation Regulation, 1911, should be amended so as to reduce the limit of time for execution in the case of money decrees from 12 to 6 years with permission to the decree-holder even after the expiry of 6 years to apply for execution if he can show that the judgment-debtor has come into possession of some property or that he has recently discovered that the judgment-debtor has property and that Article 182 should be so amended that the period of 3 years should begin not

from the date of the last application for execution but from the date of the last order on such a previous application. The amendment of Section 48 was not considered satisfactory and the latter proposal has been given effect to by the Government of India.

4. Action will be taken to introduce into the Legislative Council a Bill similar to the Bill introduced into the Legislative Assembly in British India.

5. In the Statement of Objects and Reasons to amend the Indian Limitation Act of 1908, it was stated that the remaining recommendations to amend Sections 14, 19 and Articles 85, 92, 93, 95, 96 and 128 were not being pursued. The question of amending the corresponding sections and articles in the Mysore Limitation Regulation is under consideration.

The motion was put to vote and lost, 40 voting for and a large number voting against.

V. Bill to facilitate the enforcement in Mysore of Maintenance Orders made in His Majesty's Dominions and Protectorates and *vice versa*.

Decrees for maintenance passed by Civil Courts in Mysore or in British India or the United Kingdom may be evaded by the judgment-debtor crossing the border from one territory to the other. Orders under Section 488 of the Criminal Procedure Code passed in British India or in Mysore cannot be enforced in Mysore or British India, respectively.

To facilitate the enforcement of maintenance orders made in other parts of His Majesty's dominions, Maintenance Orders (facilities for enforcement) Act of 1920 was passed in the United Kingdom and a similar Act, XVIII of 1921, was passed in British India.

Under those Acts, His Majesty the King in Council or the Governor-General in Council, as the case may be, may extend the provisions of those Acts to any part of His Majesty's dominions where a similar provision is made by its legislature. These Acts provide a simple procedure for the mutual enforcement of the orders of maintenance in the parts of His Majesty's dominions which reciprocate. The introduction of a similar measure in Mysore would afford facilities for enforcing in the British dominions orders of maintenance made by courts in Mysore and *vice versa*. It is therefore proposed to introduce a Bill similar to the Acts in force in the United Kingdom and British India.

The motion was not passed as a large majority voted against it.

VI. Bill to Amend the Indian Penal Code and the Criminal Procedure Code.

In order to give effect to the International Convention for the suppression of the circulation of, and traffic in, obscene publications, signed at Geneva on behalf of the Governor-General in Council on the 12th day of September 1923, Sections 292 and 293 of the Indian Penal Code were amended by the British Indian Legislature. Similar amendments are proposed to be made here by substituting the following sections for Sections 292 and 293 of the Indian Penal Code:—

"292. Whoever—

(*a*) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or

(*b*) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or

(*c*) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed publicly exhibited or in any manner put into circulation, or

(*d*) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or

(*e*) offers or attempts to do any act which is an offence under this section

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception.—This section does not extend to any book, pamphlet, writing, drawing or painting kept or used *bona fide* for religious purposes or any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purposes.

293. Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section or offers or attempts so to do, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

Consequential amendments are also proposed to be made in Section 98 and in the II and V Schedules of the Criminal Procedure Code by including therein the obscene objects and materials falling within the purview of Sections 292 and 293.

Sections 372 and 373 of the Indian Penal Code and Section 552 of the Criminal Procedure Code were amended by Act XVIII of 1924. The age of the person under Sections 372 and 373 has been raised from 16 to 18 years under that Act and the age of the person falling under Section 552 of the Criminal Procedure Code has been raised from 14 to 16. Similar amendments are proposed to be introduced into our Codes.

By Act X of 1926, clause (6) of Section 123 of Criminal Procedure Code was amended in British India so as to restore the discretion of the Magistrate to give either simple or rigorous imprisonment to a person bound down under Section 109, Criminal Procedure Code. By Act II of 1926, Sections 170, 202 and 203 have been recast making certain verbal alterations in order to make the meaning more clear. Similar amendments will be introduced into our Code.

The sense of the Assembly was taken and it was found that the majority of the members voted against the measure.

VII. Statement of the General Principles of the Mysore Land Revenue Code Amending Bill.

1. On the report of the Inam Commission appointed in 1918 to investigate the several questions that have arisen in regard to the relationship between the inamdars and their

tenants and the administration of inam villages generally, Government passed orders on the several recommendations made by the Inam Commission in G.O. No. 28-48—L.R. 482-17-42, dated 2nd July 1925. On a further memorandum of the Mysore Inamdars' Association suggesting a reconsideration of that order Government passed the order G.O. No. R. 4306-26—L.R. 126-25-7, dated 22nd January 1927. In that order Government suggested certain changes in the existing law which is contained in Appendix I to that order printed below. Legislation will be undertaken to give effect to the order.

Point I.—Section 236 to be amended so as to admit of the introduction of the survey compulsorily in all inam villages, and of the introduction of settlement on the application of the inamdars holding two-thirds of the *vrittles* or on the application of kadim and other permanent tenants having interest in not less than half the occupied lands.

Point II.—Section 238 will have to be amended so as to confer upon the Deputy Commissioner, the power to take action under Sections 63 and 64 of the Land Revenue Code in settled inam villages, the owners of which do not hold a commission to exercise such powers.

Point III.—The following explanation has to be added to Section 79:—

In the following cases, the tenants shall be recognised as permanent tenants:—

(i) Those who have been recognised, as such, by the landlords or by courts, in cases to which the landlords were parties;

(ii) Holders of land, in respect of which any alienation has been recognised by the inamdars or by courts, in cases to which the inamdar is a party or which have not been contested by the inamdars for 12 years, notwithstanding written notice of alienation by the tenant to the inamdar. The period of 12 years is to commence from the date of the service of notice to the inamdar;

(iii) Where the tenants have effected permanent improvements, such as the construction of wells, tanks or other works for the storage of water for purposes of agriculture, and are left in undisturbed possession for 12 years thereafter, provided that the inamdars have made no contribution for such improvements, nor recovered enhanced rents, and such improvements are effected with notice to the inamdar;

(iv) Where the inamdar is unable to prove the origin of the tenancy and the tenant establishes the fact of continu-

ous possession on payment of fixed rent for a period of 30 years or more.

Point IV.—The following addition has to be made at the end of Section 54:—

"But it shall not affect the rights of permanent and kadim tenants."

Point V.—The Minor Tanks Restoration Regulation has to be amended so as to make it applicable to all inam villages, including kayamgutta villages—inamdars' and Government's share of cost to be fixed as in Government Order.

Point VII.—Addition of a new provision in the Land Revenue Code, authorising the assumption of management of inam villages which are grossly mismanaged during minority or unsoundness of mind of the inamdar. Section 120 to be amended so as to make it applicable to the cases of Government management of inam villages arising under the new provision.

Point IX.—(*a*) An explanation to be added to Section 59, Land Revenue Code, stating that the provisions of this section may be applied to inam villages also, by the Deputy Commissioner, on an application made by the inamdar.

(*b*) Amendment of Section 194 of the Land Revenue Code and Section 4 of the Land Improvement Loans Regulation.

Paragraph 4 of the Government Order.—Definition of "Revenue Officers" to be amended so as to include the inamdars exercising powers under Section 99 of the Land Revenue Code.

2. Under Section 161 of the Land Revenue Code, the revenue authorities are empowered to sell the right title and interest of defaulters in immovable property, other than the land on which an arrear of revenue is due, for the recovery of money due to Government by the defaulters. They cannot, however, hold an enquiry nor deliver possession of the property sold to the auction purchaser in case there is resistance to the delivery. The purchaser is therefore driven to file a suit in a civil court to obtain possession. This discourages bidders at sales of the right, title and interest of defaulter's immovable property. In order to rectify this defect a new section is proposed to be introduced in the Mysore Land Revenue Code as follows:—

"187A. Where any lawful purchaser of immovable property sold under Sections 161 and 193 is resisted or obstructed by any person in obtaining possession of the

property, he may make an application together with the certificate of sale granted under Section 187 to the civil court having jurisdiction over the property complaining of such resistance or obstruction. Such court shall proceed to investigate the matter as if the property were purchased by the applicant at a sale held by that court."

3. The committee appointed in Government Order No. R. 675-82—L.R. 92-26-2, dated the 2nd August 1926, to investigate and report upon the question of settlement of shares in holdings submitted the following recommendation among others, *viz.*, that the minimum area prescribed for the sub-division of survey numbers and for the constitution of recognised shares should be abolished.

Section 109 of the Land Revenue Code which provides for the minimum area of a survey number is to be amended.

MESSRS. N. SURAPPA and B. SRINIVASIENGAR said that the general principles were acceptable subject to the following modifications:—

Point 1.—The wording of the amendment to Section 236 to be altered by substituting the word "half" for "two-thirds" so that the minimum number of applications from the inamdars for the introduction of settlement might be fixed at the same figure as the kadim and other permanent tenants.

Point 2.—As Sections 63 and 64 deal with the enabling provision, it would be difficult to enforce the sections in the survey villages and if Point No. 3 were passed, the Deputy Commissioner cannot express an opinion regarding the difference between a permanent tenant and occupancy tenant and on the question of alienation. It was therefore necessary to suitably alter the remaining sections of the proposed amendment.

Point 3.—As Section 69 relates to presumptive tenancy, instead of the words "shall be recognised," the words "shall be presumed" might be substituted.

This change was called for he said in view of the fact that when once a permanent tenancy is recognised it will not be possible to raise the tax even after the introduction of the survey and settlement.

Point 4.—Substitute the word "commencement" for "origin" occurring in Section 54.

It was also pointed out that the change of one section would involve a change of every subsequent section as a consequential measure.

THE FIRST MEMBER OF COUNCIL replied that the

statement placed before the Assembly dealt only with the main principles of the Bill and that at the time of framing the detailed Bill, the wording would be suitably altered.

Thereupon the Bill was put to vote and lost as a majority of members voted against it.

VIII. The Agriculturists' Relief Bill.

On the recommendation of the Committee on Malnad Improvement who were also of opinion that the establishment of Land Mortgage Banks would not by itself meet all the requirements of the indebted agriculturists of the malnad and that there should be legislation in the State on the lines of the Deccan Agriculturists' Relief Act, a Bill based on the provision of Deccan Agriculturists' Relief Act was placed before the Legislative Council after approval of its principles by the Representative Assembly. The consideration of the Bill was however postponed and the provisions of the Bill further examined with reference to ascertained experience of the operation of similar enactments elsewhere in India. As a result of this enquiry the Bill has been modified and its main features in its present form are described below:—

The operation of the measure is restricted to those for whose protection it is primarily intended, *viz.*, those who personally cultivate the soil or who would do so but for age, sex or bodily infirmity and to those whose real income from other sources does not exceed Rs. 300 and aggregate net income from all sources does not exceed Rs. 600. Provision is made to give discretion to courts notwithstanding Section 92 of the Evidence Act to declare a transaction to be a mortgage when it is actually such, although documents may describe it as a sale.

When a creditor's claim is disputed, the court is given power to go into the whole history of the transaction from the commencement with a view to take accounts and to give relief to the debtors by disallowing compound interest and setting off profits, services and other advantages.

Courts are given discretion—

(1) to decree redemption immediately or after a certain time as they may think equitable and fair to the parties, and

(2) to order payments in such instalments as may appear to be equitable in cases of decree for redemption, foreclosure or sale.

No agriculturists can be arrested or imprisoned in execution of a decree for money.

Immovable property belonging to agriculturists cannot be attached or sold in execution of a decree or order unless it has been specifically mortgaged for payment of the decree.

On the motion of MR. HOSAKOPPA KRISHNA RAO which was supported by a large majority of the members of the Assembly, the consideration of the Bill was postponed to the Dasara Session of the Assembly as they desired to have some more time to examine the details.

MR. PARAMASIVIAH thereupon thanked the Dewan on behalf of the Assembly for his patience in conducting the proceedings and expressed sentiments of loyalty and devotion to His Highness the Maharaja.

With three cheers to His Highness the Maharaja and to the Dewan, the Assembly adjourned *sine die* at 10 A.M.